

EXHIBIT A

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EXHIBITS: One

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action
No. 04 CV 10746 JLT

IVAN SANTIAGO,)
Plaintiff,)
v.)
WILLIAM J. FEENEY,)
MARCUS EDDINGS, and)
the CITY OF BOSTON,)
Defendants.)

DEPOSITION of IVAN SANTIAGO, a
witness called on behalf of the Defendants,
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before
Myriam A. Maracas, Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the
City of Boston Law Department, City Hall,
Boston, Massachusetts, on Tuesday, January
18, 2005, commencing at 1:20 p.m.

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2 APPEARANCES:

3

4 HRONES AND GARRITY

5 (by Stephen Hrones, Esq.)

6 Lewis Wharf, Bay 232, Boston, MA

7 02110-3927, for the Plaintiff.

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9 CITY OF BOSTON LAW DEPARTMENT

10 (by Stephen G. Cox, Esq.)

11 City Hall, Boston, MA 02201,

12 for the Defendants.

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1 PROCEEDINGS

2 MR. COX: I'll put the usual
3 stipulations on the record.

4 MR. HRONES: Yes.

5 MR. COX: All objections, except as
6 to form, are reserved until trial. Motions
7 to strike are reserved until trial. Will
8 the witness read and sign?

9 MR. HRONES: Yes.

10 MR. COX: The witness will read and
11 sign. We'll waive the notary. Is 30 days
12 okay?

13 MR. HRONES: Fine.

14 IVAN SANTIAGO

15 A witness called for examination by
16 counsel for the Defendants, having been
17 first duly sworn, was examined and testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. COX:

21 Q. Good afternoon.

22 A. Hi.

23 Q. My name is Stephen Cox and I represent the
24 City of Boston and Police Officers William

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1

2 INDEX

3

4 Testimony of: Direct Cross

5 Ivan Santiago

6 (by Mr. Cox) 4

7

8 EXHIBITS

9 No. Description Page

10

11 1 Diagram. 68

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1 Feeney and Marcus Eddings. We're going to
2 ask you some questions today about the
3 complaint that you brought; and before we
4 start, I'll just tell you a few groundrules
5 to keep in mind so it goes smoothly.6 First, have you ever had your
7 deposition taken before?

8 A. Is it what we're doing?

9 MR. HRONES: Don't ask. Look at
10 me. Just listen to him.11 Q. Have you ever been questioned in a situation
12 like this?

13 A. Yes.

14 Q. And when was that?

15 A. That was when I went to talk to Attorney
16 Hrones about this situation.

17 Q. And aside from that, any other times?

18 A. No, sir.

19 Q. Wait until I finish asking a question before
20 you give an answer because everything that
21 we're saying is being taken down, so we
22 don't want to talk over each other. Keep
23 your voice up. If at any point you don't
24 understand a question or something is not

2 (Pages 2 to 5)

- 1 A. At that point, when they took him, they
2 brought her up.
3 Q. Was that before or after they took Rolando
4 out, if you remember?
5 A. She was there before they took him out. I
6 was on the same spot on the sofa the whole
7 time. They brought her out. She sat about
8 like a good angle from me.
9 Q. In the hallway?
10 A. In the hallway, yes. There was a little
11 brown chair.
12 Q. You made a star with a circle around it.
13 There was a chair in the hallway and was she
14 handcuffed when they brought her out of the
15 bedroom?
16 A. No. She wasn't handcuffed at all.
17 Q. At any point, did you see her handcuffed?
18 A. No, she was not.
19 Q. When they brought her out of your bedroom,
20 where was Gabriel?
21 A. With her.
22 Q. Was Gabriel with her the whole time?
23 A. Yes.
24 Q. So she was holding him?

- 1 A. Yes.
2 Q. How old was he at the time?
3 A. Two years old.
4 Q. And she sat in that chair in the hallway; is
5 that right?
6 A. She sat down on that chair with my son on
7 her lap.
8 Q. And it was after that that the officers came
9 out of your son's room with Rolando?
10 A. Yes, sir.
11 Q. And after they left, what's the next thing
12 that happened?
13 A. That's when the Hispanic cop came and told
14 the black cop that was next to me to go take
15 him to the bathroom and search him.
16 Q. Do you remember those specific words?
17 A. Yes.
18 Q. Anything else?
19 A. No.
20 Q. Before this was said, you said that the
21 black officer was standing next to you?
22 A. Yes.
23 Q. And you were seated?
24 A. Yes.

- 1 Q. And how long had he been there standing next
2 to you?
3 A. After the third frisk, it's like they -- how
4 do you say it? They designated him to watch
5 me just in case if anything happened, he
6 was -- all three of them, they put him to
7 watch me, basically.
8 Q. Is that because something was said or you're
9 just kind of assuming based on how it
10 happened? I'm just wondering if anything
11 was said to the officer about watching you
12 or anything like that.
13 A. No. He just told him to watch him and once
14 they were searching the house, the sofa,
15 everything, the rooms, once they took him,
16 the Hispanic cop was right in front of my
17 son's door. I could see him. He told the
18 officer standing next to me to take me to
19 the bathroom and search me.
20 Q. And he actually said, "Take him to the
21 bathroom"?
- 22 A. Yes.
23 Q. And could you describe what that officer
24 looked like? You called him an Hispanic?

- 1 A. He was short. He had short hair. No
2 glasses. He had no facial hair. He was
3 kind of a little bit chubby. I can't say
4 fat or husky. He was a little bit chubby.
5 Q. When you say, "Hispanic," what makes you say
6 he's Hispanic?
7 A. Because he spoke Spanish to us. He was
8 speaking Spanish to Jacqueline.
9 Q. And what was he saying when he was speaking
10 Spanish?
11 A. I don't know.
12 Q. Do you speak Spanish?
13 A. Yes. Of course.
14 Q. Could you hear what he was saying?
15 A. I was hearing but at the time, I couldn't
16 understand what he was saying. Like it was
17 too much noise. I just heard him and she
18 was talking back to him. I was still here.
19 He's there talking to her. Then every other
20 cop is talking. So it's hard to hear, but I
21 heard him. That's all I heard him say.
22 Q. When he was talking to her, was that when
23 she was seated in the hallway?
24 A. Yes, sir.

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1 Q. So after Rolando was taken out, this officer
2 says to the black officer to take you to the
3 bathroom and search you?
4 A. Yes, sir.
5 Q. And was Jacqueline still seated in the
6 hallway --
7 A. Yes.
8 Q. -- at that time?
9 A. Yes.
10 Q. And was there anyone else in the living room
11 other than the black officer? You said
12 there were four officers total?
13 A. Yes, four officers.
14 Q. Where were the other two officers when this
15 was said?
16 A. It was in the little main entrance. Right
17 here, I suppose.
18 Q. You just made a line just inside the main
19 door?
20 A. Yes.
21 Q. That's where the other two officers were?
22 A. Yes.
23 Q. And was the Hispanic officer the same
24 officer who told Jacqueline in the beginning

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1 A. Yes. Every officer in the house was wearing
2 gloves.
3 Q. Okay. Did the black officer say anything to
4 you from the time -- were you handcuffed
5 behind your back?
6 A. Yes.
7 Q. And so you stood up and walked with the
8 officer to the bathroom in front of the
9 bathroom?
10 A. Mm-hmm.
11 Q. Yes?
12 A. Yes.
13 Q. And did he say anything to you in the
14 hallway before you reached the door?
15 A. I don't remember, honestly.
16 Q. So you would have walked past Jacqueline?
17 A. Walked past Jacqueline and the two officers.
18 Q. And Jacqueline was seated there with
19 Gabriel?
20 A. Yes.
21 Q. And was there an officer standing with her,
22 too?
23 A. No.
24 Q. She was just by herself?

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1 that they had a search warrant?
2 A. I didn't see that. I didn't see who said
3 what. I just heard it.
4 Q. You just heard that?
5 A. Yes.
6 Q. Okay. So after the Hispanic officer told
7 the black officer to take you to the
8 bathroom and search you, what happened
9 next?
10 A. The officer told me to get up. I got up.
11 We get to the door in the bathroom, takes
12 off my cuffs, we go in, and he tells me to
13 take off piece by piece first.
14 Q. I'll just stop you there. How was he
15 dressed, the black officer?
16 A. He was not in uniform.
17 Q. He wasn't in uniform?
18 A. No, he wasn't in uniform.
19 Q. Did you notice any of the officers wearing
20 gloves?
21 A. All of them.
22 Q. All of them?
23 A. Yes.
24 Q. Including the black officer?

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1 A. By herself.
2 Q. And what happened to the Hispanic officer
3 after he said that to the black officer?
4 A. He was still on the same spot in front of my
5 son's door. That's the last time I seen
6 him. When he said that, he picked me up and
7 we left. I didn't see him move or
8 anything. That was the last place where I
9 seen him at.
10 Q. And so the black officer took the handcuffs
11 off of you before you went into the
12 bathroom?
13 A. Yes, sir.
14 Q. And he kept the handcuffs on him?
15 A. Yes, he did.
16 Q. Okay. You then went into the bathroom?
17 A. Mm-hmm.
18 Q. You have to answer yes or no.
19 A. Yes.
20 Q. And what happened? Was the door closed?
21 A. Yes. He closed the door.
22 Q. He closed the door?
23 A. Yes.
24 Q. And did he close it all the way or did he

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1 Q. Yes.
 2 A. That they had to notify them, let them know
 3 that there was a child at the time where
 4 they were doing the raid. I don't know
 5 which word he used, but what they were doing
 6 with the raid. She was like, "Okay. It's
 7 fine."
 8 Q. And when they left, were you aware that
 9 drugs had been found in the apartment?
 10 A. Oh, yes.
 11 Q. When did you first become aware of that?
 12 A. After they left, her brother called.
 13 Q. So at the moment that the police left the
 14 apartment, did you know that drugs had been
 15 found in the apartment?
 16 A. I don't remember if it was before or after,
 17 because I know after he called, he spoke to
 18 her and let her know what happened, what
 19 they found, because they found drugs in his
 20 rectum. That's why the Hispanic officer
 21 told the black officer to come and check me
 22 because right after they took him from my
 23 son's room, the Hispanic officer told him to
 24 go in the bathroom and search me, but I

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1 didn't find out until her brother called.
 2 Q. So how long after the police left did
 3 Rolando call the apartment?
 4 A. Five minutes.
 5 Q. And when he called, did you speak to him at
 6 all?
 7 A. No.
 8 Q. Where was the phone in the apartment, if you
 9 remember?
 10 A. We had a cordless.
 11 Q. And so Jacqueline answered the phone?
 12 A. Yes.
 13 Q. And were you aware that she was speaking to
 14 Rolando?
 15 A. Yes.
 16 Q. And what do you remember hearing her say to
 17 him?
 18 A. She was telling him about the house. They
 19 broke this, they broke that. Simple stuff,
 20 but I can't remember anything besides that.
 21 I can't.
 22 Q. Okay. And just to back up, because we
 23 skipped over, when the officers left the
 24 apartment, what's the first conversation --

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1 what was the first thing that was said
 2 between you and Jacqueline?
 3 A. I let her know what just happened.
 4 Q. And what do you remember saying to her
 5 specifically?
 6 A. That when he took me to the bathroom, he
 7 told me to take off my clothes piece by
 8 piece, told me to bend over, and I told her
 9 that he stuck his finger up. That's what I
 10 told her.
 11 Q. And when you were telling her this, where
 12 were you? Were you in the living room?
 13 A. Yes. We were in the same facility right
 14 here. She was right there talking on the
 15 phone.
 16 Q. So in the same area?
 17 A. Yes.
 18 Q. And this was a conversation that you had
 19 with Jacqueline before Rolando called?
 20 A. Yes, so then when he called --
 21 Q. I'm sorry to interrupt, but did she tell you
 22 that any drugs had been found?
 23 A. Yes. She asked her brother, "Did they find
 24 anything?" And then he said, "Yes. They

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1 found drugs in my son's stuffed animal."
 2 That's where he was keeping it at.
 3 Q. Are you aware that any ammunition was found
 4 in a hole in the wall?
 5 A. Yes.
 6 Q. And was that in the living room?
 7 A. That was behind where I was. That was
 8 behind where I was. I was sitting on this
 9 sofa. Behind me, there was this thing.
 10 That hole was already there, but we did know
 11 about that and stuff.
 12 Q. So you were there when the police found
 13 that?
 14 A. Yes.
 15 Q. To your understanding, did they find that on
 16 their own or did they specifically go there
 17 to find the hole?
 18 A. Jacqueline told them.
 19 Q. Jacqueline told them where it was?
 20 A. Yes.
 21 Q. Okay. So after Jacqueline spoke to Rolando,
 22 did she tell you anything that he said?
 23 A. Let me see if I can remember. She told him
 24 about what happened to me. Then I think

13 (Pages 46 to 49)

Page 50

1 from what she said, that he spoke to his
 2 lawyer or something, and said that he was
 3 going to speak because he didn't know that
 4 that was the right thing. I thought it was
 5 part of the procedure, to tell you the
 6 truth. They ran my name. I told her that
 7 was the first time that ever happened to
 8 me. So I thought it was part of the
 9 procedure. So she felt like it wasn't.
 10 They raided my house. I was clean. They
 11 frisked me three times. I had nothing to do
 12 with the whole incident. I wasn't the one
 13 that they were looking for; but yes, yet,
 14 they still went ahead with the cavity
 15 search.
 16 Q. And you said they ran your name. When did
 17 they do that?
 18 A. After the second frisk, they ran my name.
 19 Then they ran her name at the same time.
 20 Q. And how did they do that? Did they have --
 21 A. They had walkie-talkies or whatever you call
 22 them things.
 23 Q. So the officer who was in the living room
 24 kind of called in your --

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1 what's the next thing that you remember
 2 happening?
 3 A. They were just talking.
 4 Q. So she gets off the phone and she tells
 5 you --
 6 A. What he said.
 7 Q. Did the two of you stay in the apartment
 8 that day?
 9 A. Yes. We cleaned up the apartment; and later
 10 on that night, she called her mother.
 11 Q. Later on that night?
 12 A. Around eight or nine o'clock that night.
 13 Q. And where was she and where were you when
 14 she called your mother?
 15 A. I don't remember that.
 16 Q. But you remember her speaking to her mother?
 17 A. Yes.
 18 Q. And do you remember hearing anything that
 19 she said?
 20 A. No, sir.
 21 Q. After she got off the phone, did she tell
 22 you about anything that was said?
 23 A. She basically told me that she thinks that I
 24 had a case in my hands, you know, because of

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1 A. My name.
 2 Q. And how did he get your information? Did
 3 the officer just ask you?
 4 A. Yes.
 5 Q. Did he take any identification from you?
 6 Was any identification taken from you at any
 7 point?
 8 A. I don't remember if I gave him my license or
 9 not. They just asked me for my name. Yes,
 10 he just asked me for my name, and they ran
 11 it down and it came out clean.
 12 Q. I'm sorry. So you were telling me what she
 13 was telling you that Rolando said and there
 14 was something about him speaking to his
 15 lawyer?
 16 A. About a lawyer to see if what happened to me
 17 was accurate or not; and basically, he spoke
 18 to -- I think he called -- I don't know when
 19 was the next time he called, but I know he
 20 called. I wasn't there because after this,
 21 I was stressing.
 22 Q. Well, just to try and take this
 23 chronologically so it makes sense, after
 24 Rolando called and Jacqueline spoke to him,

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1 how everything went. So that's basically
 2 it.
 3 Q. And is that something that her mother had
 4 told her or is Jacqueline telling you what
 5 she thought?
 6 A. It was just a suggestion. Like her brother
 7 gave her this suggestion. It wasn't
 8 something we were going to be like, yes, we
 9 are taking them to court. Just to find out
 10 some information, so that's how she went
 11 about it. She asked her brother to talk to
 12 his lawyer to find information, let them
 13 know what happened, to see if this was
 14 right, if it was the right thing to do.
 15 Q. And you said that Rolando called back later
 16 that day?
 17 A. I don't know, but I know he called back
 18 because she said it. I don't know when or
 19 where, what time. I don't know.
 20 Q. Did you leave the apartment at any point
 21 that day?
 22 A. Yes, I did. I went to go take a walk.
 23 Q. And when did you do that?
 24 A. I would say in the afternoon. From

1 honestly, I'm going to be honest with you,
 2 it's just I never pay mind but now I regret
 3 skipping school or acting up or whatever.
 4 If I knew a little bit about raids and how
 5 the law is about when doing these searches
 6 and types of things, then I would have
 7 decided right off the bat what I'm about to
 8 do; but since I didn't know anything, I just
 9 went along with it until I got advice. I
 10 got advice from Jackie, from her mother.
 11 They found information and I just decided,
 12 I'm okay. Let's give this a shot. If this
 13 is not right, I need to have justice for
 14 this, because this is something that it put
 15 me through a lot of pain.

16 Q. When you say, "justice for this," what do
 17 you mean?

18 A. I mean, I see all around TV, accidents do
 19 happen and people want justice for what the
 20 other person did to them. I found out that
 21 this is wrong, that that was illegal to do
 22 so I want justice.

23 Q. Do you mean money when you say "justice"?

24 A. It's half and half, because I really don't

1 raise a family, then things not working out,
 2 not finding a job, school and all this, it's
 3 just basically life is rough for me. It's
 4 been rough.

5 Q. I know you don't want to get too much into
 6 it. We won't. Just tell me generally,
 7 before this incident, when you say that
 8 you've had a rough life and the things that
 9 sort of affect how you feel --

10 A. The big thing that affected my life, it was
 11 when I was a child. My father -- I could
 12 literally say I had an abusive father. He
 13 used to just -- the only one he used to beat
 14 was my mom. He would come home drunk from
 15 work and take it out on my mother. So me as
 16 a kid, I used to see that. That's changed.
 17 That's been changed now, but it was just as
 18 a child. It was traumatizing growing up in
 19 a household like that. It's just
 20 stressful. I grew up and it's like I have
 21 nightmares about it. Me and my girl got
 22 into an argument. It's like anger. It's
 23 like it comes back out. I was trying to get
 24 away from that. Once I turned 18, I had to

1 care, but yes. On the other hand, yes, if
 2 that's the only thing that I could get, you
 3 know, but I just want him to understand what
 4 he did was wrong.

5 Q. Have you seen the officer since this
 6 happened?

7 A. No. I haven't seen none of them.

8 Q. Have you ever -- well, we established before
 9 you haven't been to a doctor since this
 10 incident?

11 A. No, I haven't.

12 Q. You have not?

13 A. No, I haven't.

14 Q. Your complaint alleges the emotional
 15 distress that you suffered after this, and
 16 we talked about that. And is it fair to say
 17 that you -- well, let me ask you, did you
 18 ever have any problems with feeling sort of
 19 depressed before this incident?

20 A. Yes. I always felt like that. Not like
 21 totally depressed; but I mean, I've been
 22 through a rough, rough life. My life has
 23 been rough. I don't want to leap into it,
 24 but I've been through a lot; and trying to

1 see my first son, which is Gabriel. I tried
 2 to move on. But yet, besides everything
 3 else, it's work, them, my parents.
 4 Everything was just stressful, basically.

5 Q. Did you tell any of your friends about what
 6 happened?

7 A. No, sir. I can't do that.

8 Q. Did you ever tell your mother about what
 9 happened?

10 A. No. I told her that they came by the house
 11 looking for me, but she knows that that's my
 12 lawyer.

13 Q. You mean relating to this deposition?

14 A. Yes, this case.

15 Q. But you haven't told her about the specifics
 16 about what --

17 A. No. She doesn't know.

18 Q. Aside from Jacqueline, have you ever spoken
 19 directly to Jacqueline's mother about what
 20 happened?

21 A. Yes. I think one time after it happened. I
 22 think we went up -- I think so.

23 Q. Do you remember the conversation, what it
 24 was about?

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- 1 A. She basically like asked me what happened,
 2 and I told her what happened. We went into
 3 the bathroom, take the clothes off. No. 1,
 4 this is what he had to do; and she asked me
 5 how do I feel. Then she gave me advice to
 6 go to the doctors, have it checked, but I
 7 just couldn't.
 8 Q. Was it shortly after the incident that you
 9 spoke to Jacqueline's mother?
 10 A. Not shortly. It was like two or three days
 11 when we were face to face because she lives
 12 out in Maine. We live in Boston.
 13 Q. So the conversation was in person, not on
 14 the phone?
 15 A. In person, yes.
 16 Q. So aside from Jacqueline and Jacqueline's
 17 mother and your attorney, have you spoken to
 18 anyone about what happened?
 19 A. No, sir. This is something I will keep.
 20 Q. I'm almost done. You say the officer who
 21 instructed the black officer to take you
 22 into the bathroom, you had heard him
 23 speaking Spanish?
 24 A. Yes. This was like in the beginning, way

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- 1 Q. Were there other gloves?
 2 A. Yes. From all of the other cops, when they
 3 were searching, because the whole house was
 4 all messed up anyways so why not just take
 5 off their gloves? They threw them on the
 6 floor and went about their business.
 7 MR. COX: Okay. I don't have any
 8 other questions. If you could just sign
 9 that down in the corner and put today's
 10 date.
 11 THE WITNESS: (Witness complies)
 12 MR. COX: Thank you very much.
 13 THE WITNESS: You're welcome.
 14 Thank you.
 15 (Diagram marked as Exhibit 1
 16 for identification)
 17 (Whereupon, the deposition was
 18 concluded at 2:35 p.m.)
 19
 20
 21
 22
 23
 24

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- 1 before.
 2 Q. Do you remember what color hair he had at
 3 all, that officer had?
 4 A. Yes. I think it was like -- not dark brown
 5 but like a little light brown. Yes, like a
 6 light brown hair.
 7 Q. And the last time you had any contact with
 8 Rolando was the day of this incident?
 9 A. Yes, sir.
 10 Q. And you had to move, you and Jacqueline and
 11 Gabriel had to move from this apartment
 12 because of the fact that drugs were found in
 13 that apartment?
 14 A. Yes, and because the landlord had to know.
 15 I don't know if the officers told him or
 16 not, but they sent us a letter, a notice
 17 saying we got two weeks' notice or something
 18 like that. So we had to leave because of
 19 the incident, yes.
 20 Q. You said that you threw away the gloves that
 21 you found that were left in the bathroom.
 22 When you were cleaning up after the search,
 23 did you throw away any other gloves?
 24 A. Everything.

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1

2 DEPONENT'S ERRATA SHEET
 3 AND SIGNATURE INSTRUCTIONS
 4

5 The original of the Errata Sheet has
 6 been delivered to Stephen Hrones, Esq.
 7 When the Errata Sheet has been
 8 completed by the deponent and signed, a copy
 9 thereof should be delivered to each party
 10 of record and the ORIGINAL delivered to
 11 Stephen G. Cox, Esq., to whom the original
 12 deposition was delivered.

13 INSTRUCTIONS TO DEPONENT
 14

15 After reading this volume of your
 16 deposition, indicate any corrections or
 17 changes to your testimony and reason
 18 therefor on the Errata Sheet supplied to you
 19 and sign it. DO NOT make marks or notations
 20 on the transcript volume itself.

21 REPLACE THIS PAGE OF THE TRANSCRIPT
 22 WITH THE COMPLETED AND SIGNED ERRATA
 23 SHEET WHEN RECEIVED.